

House Bill 101 (AS PASSED HOUSE AND SENATE)

By: Representatives Brooks of the 63rd, Cummings of the 16th, and Williams of the 89th

A BILL TO BE ENTITLED
AN ACT

To amend Article 5 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement under the Peace Officers' Annuity and Benefit Fund, so as to provide a statement of legislative findings and intent; to provide that the board of trustees of such fund shall accept provisional applications for creditable service for certain prior service; to provide for proof that certain conditions were met; to provide for funding by the General Assembly; to provide for the payment and possible refund of employee contributions; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement under the Peace Officers' Annuity and Benefit Fund, is amended by inserting at the end thereof a new Code section to read as follows:

"47-17-71.

(a) It is the intent of the General Assembly to provide for the grant of creditable service to any active member of the fund for each month of prior service as a peace officer rendered prior to January 1, 1976, if during such period the member was denied membership in the fund or was actively prevented from making such application because of his or her race or ethnicity.

(b) The board of trustees is authorized and directed to receive the applications of such members as would be eligible to receive creditable service under the terms and conditions as set forth in subsection (c) of this Code section. Entitlement to such creditable service shall attach upon the submission of application, subject to all provisions of this Code section relative to funding.

(c) A member wishing to establish creditable service for service performed prior to January 1, 1976, as provided in subsection (a) of this Code section, must make written

1 application to the board of trustees during the six-month period from July 1, 2006 through
2 December 31, 2006, and:

3 (1) Provide the board of trustees with such proof of prior service as the board of trustees
4 deems necessary, which shall include, at a minimum, pay records, tax returns, W-2
5 statements, or a sworn statement of the employer stating that the employment records bear
6 proof of such employment. Such statement shall be subject to a civil fine of \$5,000.00
7 for false swearing; and

8 (2) Provide the board with a sworn statement of the applicant that he or she applied for
9 membership in the fund and was denied membership, or that he or she was actively
10 prevented from making such application because of his or her race or ethnicity. Such
11 statement shall be subject to a civil fine of \$5,000.00 for false swearing.

12 (d) As soon as practicable following the last day for application, the board of trustees shall
13 cause the actuary for the fund to determine the amount of funding necessary to grant the
14 creditable service to all members whose applications are accepted and approved in
15 accordance without creating any actuarial accrued liability as to the fund, in accordance
16 with the provisions of Chapter 20 of this title, the 'Public Retirement Systems Standards
17 Law.' A pro rata portion of one-half of such amount, determined by the number of months
18 of creditable service requested by each person, shall be assigned as such person's employee
19 contribution required to receive such creditable service. The board of trustees shall notify
20 each applicant of his or her pro rata share, and each such person shall pay such amount to
21 the board of trustees not later than March 1, 2007, or thereafter be ineligible to receive such
22 creditable service. During the regular 2007 session, the General Assembly may appropriate
23 funds sufficient to cover one-half of the amount determined by the actuary as necessary to
24 grant the creditable service, together with any portion of the total required employee
25 contribution which was not received by the board of trustees from the applicants by March
26 1, 2007.

27 (e) The creditable service provided for in subsection (a) of this Code section shall be
28 granted on July 1, 2007, only if the board of trustees receives the full amount determined
29 by the actuary necessary to implement the provisions of this Code section. Otherwise, the
30 board of trustees shall refund all amounts received from the members as employee
31 contributions, together with regular interest thereon, and this Code section shall thereafter
32 have no effect."

33 SECTION 2.

34 This Act shall become effective on July 1, 2006, only if it is determined to have been
35 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia

1 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
2 become effective and shall be automatically repealed in its entirety on July 1, 2006, as
3 required by subsection (a) of Code Section 47-20-50.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.